<center>**REMARKS/ARGUMENTS**</center>

Claims 1-6 are pending in the present application. Claims 1, 2 and 5 were amended. No claims were added or canceled. Support for the claim amendments can be found in the specification, for example, on page 17, line 14-page 18, line 9, and in Figures 7-9. Reconsideration of the claims is respectfully requested in view of the above amendments and the following comments.

I.   35 U.S.C. § 102, Anticipation

The Examiner has rejected claims 1-4 and 6 under 35 U.S.C. § 102(e) as being anticipated by Mayaud, U.S. Patent No. 7,072,840 (hereinafter "Mayaud"). This rejection is respectfully traversed.

In rejecting the claims, the Examiner states with respect to claim 1:

> Regarding claims 1, 20, and 27, Mayaud teaches the claim comprising a first graphical user interface area for containing a first list of items, by disclosing a data management system useful in the production of product specification documents that require detailed product and history information from multiple extensive information sources *[column 1, lines 15-27]*. A first list of items may correspond to a complete list of conditions used when adding new conditions to a patient's record when a problems button 50 is selected *[column 19, lines 42-58]* or when selecting a condition using condition button 86 *[column 25, lines 56-59]*.
> Mayaud teaches a second graphical user interface area for containing a second list of participants, by disclosing a patient selection screen shown in *[figure 2]*.
> Mayaud teaches a third graphical user interface area for containing a plurality of third lists of items, each third list of items comprising at least one item selected from the first list of items, by disclosing a list of currently active conditions 51 *[column 19, lines 42-47; figure 3]* and a list of conditions 86 with prescriptions *[column 20, lines 11-20; figure 3]*. Mayaud teaches each participant in the second list having a corresponding plurality of third lists of items, wherein the third graphical user interface displays the plurality of third lists of items that corresponds to a selected one of the participants in the second list, by disclosing that when a patient is selected, the lists of information corresponding to that patient will be displayed *[column 19, line 29 to column 20, line 58]*. The lists are made by selection from a user *[column 20, lines 59-63; column 26, lines 12-15]*. Additionally, the lists displayed when selecting a drug for a particular condition correspond to the participant that was selected *[column 34, lines 17-33]*.

Office Action dated May 28, 2008, pp. 2-3.

Claim 1, as amended herein, is as follows:

1.   A graphical user interface for use in a data processing system for facilitating data entry for cluster analysis, the graphical user interface comprising:
        a first graphical user interface area for containing a first list of items to be sorted;

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a second graphical user interface area for containing a second list of participants; and
a third graphical user interface area for containing a plurality of third lists of items, the third graphical user interface area comprising a first sorting area for sorting the items in the first list of items, wherein each of the plurality of third lists of items comprises at least one item selected and removed from the first list of items by a participant in the second list of participants, and wherein each participant in the second list of participants has a corresponding plurality of third lists of items, wherein the third graphical user interface area displays the plurality of third lists of items that corresponds to a selected one of the participants in the second list of participants.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). In this case each and every feature of the presently claimed invention is not identically shown in Mayaud, arranged as they are in the claims, and therefore, Mayaud does not anticipate the claims. With respect to claim 1, for example, Mayaud does not disclose or suggest "a third graphical user interface area for containing a plurality of third lists of items, the third graphical user interface area comprising a first sorting area for sorting the items in the first list of items, wherein each of the plurality of third lists of items comprises at least one item selected and removed from the first list of items by a participant in the second list of participants, and wherein each participant in the second list of participants has a corresponding plurality of third lists of items, wherein the third graphical user interface area displays the plurality of third lists of items that corresponds to a selected one of the participants in the second list of participants."

Mayaud is directed to a computer implemented prescription management system for physicians. The system includes a plurality of displays including a display listing patients of the physician (see Figure 2 of Mayaud). Upon selection of a particular patient, a display such as shown in Figure 3 of Mayaud appears. The display in Figure 3 includes a list of patient problems and a list of patient allergies (which may be provided by the patient), a list of patient conditions, and a list of patient prescriptions (which may be filled in by the physician).

In rejecting the claims, the Examiner asserts that a complete list of conditions that may be used by a physician when adding new conditions to a patient's record, as described in column 19, lines 42-58 of Mayaud, corresponds to the first graphical user interface area containing the first list of items recited in claim 1; and that the patient selection screen shown in Figure 2 of Mayaud corresponds to the second graphical user interface containing the second list of participants recited in claim 1.

Assuming *arguendo*, that the Examiner's assertions are correct, Mayaud still does not disclose or suggest the third graphical user interface area as recited in amended claim 1. In rejecting the claims, the Examiner asserts that the display areas that contain the list of currently active conditions 51 and that contain the list of conditions 86 with prescriptions 88 illustrated in Figure 3 of Mayaud correspond to the third graphical user interface area containing a plurality of third lists of items as previously recited in claim 1. Applicants respectfully disagree.

List 44 in Mayaud, associated with conditions button 86, is included in a prescribing zone to enable a physician to prescribe a drug for a listed condition. Any conditions listed in list 44 are conditions that are also listed in list 51 (the patient's currently active conditions). Neither lists 44 and 51 nor any other grouping of lists described in Mayaud, comprises lists that include "at least one item <u>selected and removed from</u> the first list of items <u>by a participant in the second list of participants</u>" as now recited in claim 1. The complete list of conditions that the Examiner construes as corresponding to the first list of items in the claim is simply a list to assist a physician when adding new conditions to a patient's record. There is no disclosure or suggestion of removing a condition from that list when the condition is added to a patient's record. To the contrary, Mayaud discloses that this list is stored at a remote database for use by physicians (see column 19, lines 51-55). Also, there is no disclosure or suggestion in Mayaud that items in that list are selected and removed by participants in the second list. Instead, as noted by the Examiner, items in the list of conditions are selected by the physician, not by patients.

Therefore, Mayaud does not disclose or suggest a third graphical user interface area for containing a plurality of third lists of items. . . "wherein each of the plurality of third lists of items comprises <u>at least one item selected and removed from the first list of items by a participant in the second list of participants</u>" as now recited in claim 1, and does not anticipate claim 1 for this reason.

Mayaud also does not disclose or suggest a third graphical interface area that comprises "<u>a first sorting area for sorting the items in the first list of items</u>" as recited in amended claim 1. As described above, Mayaud is directed to a prescription management system for physicians. Mayaud does not disclose or suggest providing a sorting area for sorting the list of conditions considered by the Examiner as corresponding to the first list of items recited in claim 1. Mayaud does not disclose or suggest sorting items in any list and certainly does not disclose or suggest "a third graphical user interface area for containing a plurality of third lists of items, the third graphical user interface area comprising <u>a first sorting area for sorting the items in the first list of items</u>" as recited in amended claim 1, and also does not anticipate claim 1 for this reason, as well.

For at least all the above reasons, Mayaud does not disclose or suggest "a third graphical user interface area for containing a plurality of third lists of items, the third graphical user interface area comprising a first sorting area for sorting the items in the first list of items, wherein each of the plurality

of third lists of items comprises at least one item selected and removed from the first list of items by a participant in the second list of participants, and wherein each participant in the second list of participants has a corresponding plurality of third lists of items, wherein the third graphical user interface area displays the plurality of third lists of items that corresponds to a selected one of the participants in the second list of participants" as recited in amended claim 1, and claim 1 is not anticipated by Mayaud and patentably distinguishes over Mayaud in its present form.

Claims 2-4 and 6 depend from and further restrict claim 1, and are not anticipated by Mayaud, at least by virtue of their dependency. Additionally, the claims recite other combinations of features not taught or suggested by Mayaud. For example, claim 2 depends from claim 1 and recites that the graphical user interface further comprises "a fourth graphical user interface area, the fourth graphical interface area comprising a second sorting area for sorting and displaying at least one grouping of third lists of items of the corresponding plurality of third lists of items displayed in the third graphical user interface area."

In rejecting claim 2, the Examiner states:

> Regarding claim 2, Mayaud teaches the claim with respect to claim 1, further comprising a fourth graphical user interface area for displaying at least one grouping of third lists of items of the corresponding plurality of third lists of items displayed in the third graphical user interface area, by disclosing a Dx-Patient list that lists previously exhibited conditions or problems of the selected patient *[column 34, lines 26-33]* as well as any new conditions that are selected *[column 34, lines 45-51]*.

Office Action dated May 28, 2008, p. 4.

As noted by the Examiner, the Dx-Patient list is a list of previously exhibited conditions or problems of a selected patient. Such a list is not provided in a fourth graphical user interface area that comprises "a second sorting area for sorting and displaying at least one grouping of third lists of items of the corresponding plurality of third lists of items displayed in the third graphical user interface area" as recited in claim 2. A list of previously exhibited conditions is not a grouping of the third lists of items recited in claim 1, nor does Mayaud disclose or suggest a fourth graphical user interface area that comprises a second sorting area for sorting and displaying at least one grouping of third lists of items as recited in claim 2.

Claim 2, accordingly, is also not anticipated by and patentably distinguishes over Mayaud in its own right as well as by virtue of its dependency from claim 1.

Therefore, the rejection of claims 1-4 and 6 under 35 U.S.C. § 102 has been overcome.

II.   <u>35 U.S.C. § 103, Obviousness</u>

The Examiner has rejected claim 5 under 35 U.S.C. § 103 as being unpatentable over Mayaud, U.S. Patent No. 7,072,840 (hereinafter "Mayaud") and Applicant's admission of prior art. This rejection is respectfully traversed.

In rejecting claim 5, the Examiner states:

> Regarding claim 5, Mayaud teaches the claim with respect to claim 1. Although Mayaud teaches that the graphical user interface may include scroll bars *[column 7, lines 57-65]*, Mayaud does not expressly teach wherein the second list comprises a scrollable list in the second graphical user interface area. The statement that scroll bars are commonly used in a graphical user interface to allow the user to view information that cannot be completely displayed is taken to be admitted prior art because Applicant has failed to traverse the Examiner's assertion of official notice. See MPEP 2144.03 C. Since Mayaud teaches a list of selectable participants of which the user may add any number of participants *[column 17, lines 15-22; figure 2]*, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the use of scroll bars with the list of participants, since Applicant admits that scroll bars are commonly used to allow the user to view information that cannot be completely displayed.

Office Action dated May 28, 2008, pp. 5-6.

Claim 5 depends from and further restricts claim 1. Any assertion by the Examiner that it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the use of scroll bars with a list of participants, does not supply the deficiencies in Mayaud with respect to claim 1 as discussed in detail above. Claim 5, accordingly, is allowable in its present form, at least by virtue of its dependency.

Therefore, the rejection of claim 5 under 35 U.S.C. § 103 has been overcome.

III.   <u>Conclusion</u>

For at least all the above reasons, claims 1-6 are allowable over the cited art and this application is believed to be in condition for allowance. It is, accordingly, respectfully requested that the Examiner so find and issue a Notice of Allowance in due course.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: <u>July 9, 2008</u>

Respectfully submitted,

/Gerald H. Glanzman/

Gerald H. Glanzman
Reg. No. 25,035
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
(972) 385-8777
Attorney for Applicants